

APPROVED: Meeting No. 40-86

ATTEST:

Carol A. Kachadoorian

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 31-86

July 14, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, July 14, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson; City Attorney Paul Glasgow; and City Clerk Carol A. Kachadoorian.

Re: Invocation

The Mayor read a brief statement regarding the addition of an invocation to the agenda.

Last meeting, one individual came forth and questioned my recent decision to open the Mayor and Council meetings with an invocation, citing the separation of church and state. I believe these objections represent a misunderstanding of the purpose and meaning of invocations.

The use of an invocation is entirely consistent with the opening ceremonies of legislative bodies at all levels of government in this country. The U.S. Congress and the U.S. Senate, the Maryland House of Delegates and State Senate, and the Montgomery County Council all begin each legislative session with prayer.

An invocation is not primarily a religious ceremony, but a time for reflection, a time for preparation, and a time for bridging the gap between the heightened activity leading up to the Mayor and Council meeting and the orderly process of the meeting. It is a time to think about people and to think about each other in a spirit of oneness.

It does not matter if the invocation is presented by a member of the clergy or a layperson or even a member of the Council. It does not matter if the invocation is a prayer, secular reading, poem or even a moment of silence. The purpose is to take the time to gather our thoughts and reflect on to the business of this city as well as the people we represent.

Re: City Manager's Report

Mr. Robinson reported the following:

1. The Police Executive Research Forum (PERF) is actively working on its contract with the City conducting a review of the Police Department.
2. Staff is working on the strategic management process. In addition, the Mayor and Council, City Manager, and City Clerk will be conducting a vision-setting session on August 9, 1986. Additional elements of the strategic management process include a citizen survey and an environmental scan.
3. The International City Management Association has asked the Manager to participate in its annual conference on a panel on leadership strategies in San Diego.
4. The Mayor and Council will host its annual volunteer appreciation part at the Civic Center on July 26, 1986.

Re: Mayor's Report

Mayor Van Grack complimented staff on the July 4th celebration. He noted that he heard many compliments regarding the celebration activities. Mayor Van Grack also praised staff for the fine job it did on the Rockville Rotary Twilight Run.

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Re: Appointments

The Mayor, with the confirmation of the Council, made the following appointments:

Alternative Community Service Commission: Jane French - reappointed - 2 year term

Human Rights Commission: Robert Dorsey - reappointed - 4 year term

Recreation & Park Advisory Board: Genie McKay - reappointed - 2 year term

Terry Baker - appointed - 2 year term
30 Orchard Ridge Way South

Stephen Edwards - appointed - 1 year term
as chairman

Council of Governments - Boris Kebetz - nominated as the City's
National Airport Noise representative to serve on this Committee
Abatement Committee

Sister City Inc., Bd. of Directors

Council Representative: Councilman Peter Hartogensis

Traffic & Transportation Commission: Herb Pennock - appointed - 1 year term
as chairman

Retirement Board - AAME Representative: Larry Owens, Planning Department

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Rushton Williamson, Citizens' Steering Committee on the Motor Vehicle Administration - Montrose Site, presented a statement to the Mayor and Council regarding the proposed MVA facility on Montrose and Falls Road. He thanked the Mayor and Council for being the only governmental body which formally sent a representative to state its concerns at the June 19 meeting of the MVA. He then brought the Mayor and Council up to date and summarized the Montrose Site situation.

Councilman Abrams stated that he shared the concerns of the Steering Committee, as does the entire Mayor and Council, and suggested that the City be the facilitator to put together a meeting with the former property owner and the County to offer to the MVA constructive alternatives to the Montrose Road site. The City Manager noted that the City Attorney's Office has completed legal research regarding the ownership rights to the property by MVA; and that this research was provided to the Mayor and Council. He advised the Mayor and Council that staff has requested and will be meeting with the MVA on alternative sites. Councilman Coyle asked that information from these meetings be made available to the citizens.

Councilman Hartogensis expressed his support for the process, as the site has potential impact on the area. He suggested that perhaps the MVA needs to separate some of its functions, such as driver's license renewal, into smaller offices. The City Manager reported that this was proposed in the meeting held on June 19, 1986, and MVA had not considered it prior to that meeting.

In response to a request from Karen Lechter, the City Manager identified Doug Horne as the staff person whom citizens could contact for information on the situation. In addition, Ms. Lechter urged the City to contact the state in order to obtain information from the County and the City regarding other developments in the immediate area to the proposed MVA site, in order to get information on expected traffic impacts.

2. Charlotte Joseph, President of the Montrose Civic Association, thanked the Mayor and Council for funding improvements to the Montrose Community Center and park.

In addition, Mrs. Joseph distributed a letter from the Montrose Civic Association to the Montgomery Co. Board of Supervisors of Election objecting to

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the move of the polling place for precinct 4-11 from Bethany House to the Geico Building.

3. Mr. Jerry Gegan, 852 College Parkway, addressed the Mayor and Council regarding the tutorial held on July 12, 1986. He stated the tutorial was valuable and informative; and he thanked the City staff for their efforts. Councilman Hartogensis noted that he dropped into the session, and observed that it was well done. He was pleased to see that the tutorial could be shared with other groups, as it was video-taped.

In response to a question from Councilman Coyle, City Manager Robinson noted that this training is offered to all Boards & Commissions, should they decide to use it.

Re: Consent Agenda

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the following two items on the consent agenda.

Re: Approval of Bid No. 6-87,
Traffic Signal Maintenance
Contract

Bids were opened on Monday, July 7, on Bid No. 6-87, the City's annual traffic signal maintenance contract. This contract covers routine maintenance, itemized repair, and minor modifications.

The following bid was received:

Hawkins Electric Company, College Park, MD \$27,231.78

The Engineer's Estimate for this contract is \$27,460. This year's bid, however, is not comparable with last year's award of \$18,982.

This year several thousand extra dollars are needed to complete unanticipated repair work at the Twinbrook/Baltimore intersection. Fortunately, capital project money is presently available for this needed work, and these

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short-term repairs will be incorporated into the final intersection reconstruction, which will occur toward the end of the fiscal year.

Hawkins has been the City's traffic signal maintenance contractor for more than a decade, and continues to perform satisfactory work. It is recommended that Hawkins Electric Company be awarded this contract for its bid of \$27,231.78.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote by the Mayor and Council, Bid No. 6-87, for Traffic Signal Maintenance Contract was awarded to Hawkins Electric Company in the amount of \$27,231.78.

Re: Approval of Bid No. 2-87,
Chemical for Water
Treatment Plant

Among the chemicals used by the Water Treatment Plant to provide the City potable and palatable finished water are activated aluminum sulfate. The Invitation for Bid was opened at 3:00 p.m. on Wednesday, June 4, 1986.

The following bid was received:

ACTIVATED ALUMINUM SULFATE IN BULK (DRY)

Company	Bid (Annual Estimate)		Cost
	Ton/Price	Quantity	
Delta Chemical Corporation	\$162.89/ton	130	\$21,175.00

The budget estimate was \$18,500.00.

The price last year was \$143.93/ton. The increase of 13% was caused primarily by an increase in the cost to mine and to transport sulfuric acid, and increases in the premiums for liability insurance for hazardous products. The cost of aluminum oxide increased slightly also. The Washington Suburban Sanitary Commission recently received bids which were 22.3% higher than last year, but at least 10% of the increase may be due to the fact that the bid was

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under its minority set-aside program which allows awards to minority firms of up to 10% higher than low bid from a firm which has not been designated minority.

Staff recommends that award be made to Delta Chemical Corp. for Activated Aluminum Sulfate at a cost of \$162.89/ton for a total award of \$21,175.70.

On motion of Councilman Abrams, duly seconded and unanimously passed, award of Bid No. 2-87 for Chemicals for the Water Treatment Plant was made to Delta Chemical Corp. for a total award of \$21,175.70.

Re: Use of Selection Process
by Negotiation, Chapter 5,
Section 2-401 (d and e),
for Health Insurance and
Prepaid Health Care for
City Employees

Periodically the City seeks competitive prices for the three types of health insurance and pre-paid medical coverages that it provides to employees, retirees, and their dependants.

These types of coverages are best procured under the selection process by negotiation, as outlined in the Laws of Rockville, Chapter 5, sections 2-401(d) and (e). Therefore, staff recommends that the Mayor and Council approve the use of this process to secure a three-year contract with one or more providers of these types of coverages.

Pursuant to section 2-401 (f), the award of the contracts would come before the Mayor and Council at a later point inasmuch as they would be for more than \$20,000.

On motion of Councilman Duncan, duly seconded, and unanimously passed, the selection process by negotiation for determining health insurance and prepaid health care of city employees was approved by the Mayor and Council as recommended by staff.

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Re: Ordinance to amend the zoning map by including 27,138 sq. ft of land located on the west side of Interstate 270, approximately 460 feet south of the intersection of Shady Grove Road and Interstate 270.

Ordinance No. 18-86

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 18-86, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending the zoning map by including 27,138 square feet of land located on the west side of I-270, approximately 460 feet south of the intersection of Shady Grove Road and I-270, was adopted by the Mayor and Council.

Re: Ordinance to Levy Assessments - Driveway Aprons Various Locations, Project 4D12.

Ordinance No. 19-86

In response to a question from Councilman Coyle, Robert Goodin, Director of Public Works, explained that this project was a program offered to citizens to construct driveway aprons. The City, once the construction is completed, levys an assessment to the property owner for the work done. The program to construct the driveway apron is completely voluntary on the part of the citizen. The ordinance approved by the Mayor and Council provides for the collection of dollars spent by the City on the work. The ordinance offers two methods of payment for the citizen: a) payment up front in one lump sum; or b) payment over a 5-year period.

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 19-86, the full text of which can be found in Ordinance Book No.

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12 of the Mayor and Council, levying assessments for driveway aprons at various locations in the City was adopted by the Mayor and Council.

Re: Request from Stepping
Stones Shelter for a full
refund on Special
Exception Application S-
124-86 Fee.

Councilman Duncan asked that a decision on this item be deferred until staff could prepare a report on a policy for all such situations. He asked that the report include an anylsis of the history of the issue, as well as recommendations. Councilmen Coyle and Hartogensis concurred with Councilman Duncan's suggestion.

Mayor Van Grack agreed that a policy needed to be formulated, however, he noted that Stepping Stones is a worthy organization.

Re: Correspondence

1. Letter from Ms. S. Janet Miranda regarding registration from S.T.E.P.

In response to a question from Councilman Coyle, the City Clerk explained that it was the City's policy to accept applications for the program on a first come, first serve, basis. Because the program is school-based, priority is not given to Rockville residents, however, non-City residents do pay a higher fee for the program.

Councilman Hartogensis suggested that this policy needs to be re-examined. Councilman Abrams suggested that as long as adequate procedures are followed, the current policy is adequate, considering the school-based nature of the programs and that they are designed to serve the community. Councilman Coyle suggested that longevity in the program be used in determining registration.

2. Letters from S. Frank Shore regarding the proposed Motor Vehicles Administration facility on Montrose Road.
3. Letter from David E. Mathis, President, Rockville Baseball Association, regarding the association.

Mayor Van Grack praised the program in that it is involved with over 900 boys and girls and is superbly run. Councilman Coyle asked staff to review the question regarding a review by City staff of the association's by-laws.

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4. Letter from Martin J. Kmetz of PEPCO regarding the site at Crabbs Avenue.
5. Letter from Bob Whittaker regarding the intersection of North Washington Street, West Montgomery Avenue and Courthouse Square.
6. Letter from Judith Doctor regarding street maintenance in New Mark Commons.
7. Letter from Nancy Hafer, President, the Montgomery County Historical Society, regarding inclusion of funding in the FY 1987 budget.
8. Letter from Anne C. Hedian, Chairperson, Rockville Watch Steering Committee, regarding support for the program by the Mayor and Council.
9. Letter from Mrs. Lewis G. Hulman regarding the 4th of July Celebration.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Rockville Sister City Incorporation
2. Woodley Gardens Senior Center Newsletter, July 1986
3. S.P.I. Limited Partnership, et al v. the Mayor and Council of Rockville, et al, No. 473, September, Term, 1986

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 21-86, May 12, 1986, were approved as written.

Re: New Business

1. Councilman Hartogensis reported that he had recently met with residents of New Mark Commons regarding problems of maintenance. He suggested that the City contract for maintenance services in all Planned Residential Units (PRU's) and charge the developments our cost for doing the work. He asked the City Manager to have staff work on this approach. The City Manager advised the Mayor and Council that staff was working on the issue, but as it is not a high priority, the report would not be available until after the first of the year.

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He also noted that should the City implement such a practice, it would have to be extended to all PRU's and condominium associations.

Councilman Coyle stated that he had spoken with the president of the Rockshire Citizens Association regarding their hiring a part-time facilities manager. The association is interested in working with the City to review specifications for maintenance work in the neighborhood to assure that the specifications call for quality work.

The City Manager shared information with the Mayor and Council regarding a number of news articles on the problems of associations not raising dues sufficiently to cover the cost of infrastructure maintenance, as well as the problem of preparing good specifications to have maintenance work done.

Councilman Abrams suggested that the Mayor and Council and staff have a round table discussion once the staff report is completed.

2. Councilman Duncan brought to the Mayor and Council's attention a memorandum from the Advisory Commission on Public Education regarding the County's new facility planning document. He asked that the memorandum be referred to the City Attorney's office for review.

3. Councilman Duncan noted that the bushes behind the Twinbrook shopping Center had been taken out completely. The City Manager advised that a solid fence will be replacing the bushes, but asked Terri Auchter to follow-up on the matter.

4. Councilman Duncan advised the Mayor and Council that he had been asked by Mike Patterson of the Historic District Commission about the text amendment before the Planning Commission. He asked that the Commission's work on the text amendment be completed and brought to the Mayor and Council for its consideration shortly.

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5. Councilman Duncan asked to schedule the worksession on rent control in August. He noted that he had received some calls regarding increases in rents at Congressional Towers.

6. Councilman Coyle reported that he had been asked to serve on a panel at the ICMA Conference in September on recruiting a new City Manager. Councilman Coyle's participation in the conference was endorsed by the Mayor and Council.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session to discuss property disposition and for consultation with legal counsel.

Re: Adjournment

There being no other business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 10:30 p.m. to convene again in general session on Monday, July 28, 1986, at 8:00 p.m. or at the call of the Mayor.